

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Beatrice E. Weaver and Gary Weaver,)	C/A: No.
)	
Plaintiffs,)	
)	
v.)	
)	
Dillon Department of Social Services; and)	
Jackie Rowland; Karen English;)	
Pansy Page McElveen; Dillon Internal)	
Medicine Associates P.A.; a South Carolina)	
Corporation; James P. Wallace, M.D.;)	
Felicia Gainey, and Harriet Shealey, and)	
Cottonwood Villa Assisted Living Facility,)	
Inc, a South Carolina Corporation; Dillon)	
County Sheriff's Office and Deputies)	
Johnie May Smith, Chaddie Hayes and)	
Linda Maimquist; Dillon County)	
Emergency Medical Services, Florence)	
Visiting Nurses Services, Inc. a South)	
Carolina Corporation; John D. McInnis;)	
and John Does 1-10, Doe Partnerships,)	
Corporations and/or other Entities 1-10,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants Dillon County Sheriff's Office, Deputy Johnnie Mae Smith incorrectly identified as Johnie May Smith, Deputy Chaddie Hayes and Deputy Linda Malmquist incorrectly identified as Linda Maimquist (collectively referred to herein as "Defendants"), file this Notice of Removal of the above captioned action from the Court of Common Pleas for Dillon County, State of South Carolina, to the United States District Court for the District of South Carolina, Florence Division.

I. STATEMENT OF COMMENCEMENT OF ACTION

The above captioned action was commenced by Plaintiffs by the filing of a Summons and Complaint on February 21, 2014 and the filing of an Amended Complaint on March 21, 2014 and serving the same on Defendant Dillon County Sheriff's Office on or about June 4, 2014. Defendants Deputy Johnnie Mae Smith, Deputy Chaddie Hayes and Deputy Linda Malmquist were served on or about June 10, 2014. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within thirty days of first receipt by Defendants of the initial state court pleading.

II. PLEADINGS AND NOTICE TO STATE COURT

A true and correct copy of all process, pleadings, and orders served upon the Defendants is attached hereto as Exhibit "A" and is being filed along with this Notice of Removal. A copy of this Notice of Removal has been provided to the Clerk of Court for the Dillon County Court of Common Pleas.

III. STATEMENT OF STATUTORY BASIS FOR JURISDICTION

This action is within the original jurisdiction of the United States District Court pursuant to U.S.C. § 1331. This statute provides in pertinent part that, "The District Court shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. This action satisfies the statutory requirement for federal question jurisdiction. To the extent any State law claims are asserted here, those claims are within the Court's supplemental jurisdiction pursuant to 28 U.S.C. §1367.

Plaintiffs' Complaint is based on alleged incidents which occurred in Dillon County, South Carolina. Plaintiffs' Complaint provides, in pertinent part, that the Defendants engaged in "flagrant and wholesale violations of constitutional rights", "racial profiling and discrimination

in violation of Federal and State laws, and rules, based on race, color, national origin, culture, age, gender, education, personality and social attributes, etc.”, “violated Plaintiffs’ civil rights”, deprived Plaintiffs of “Constitutional rights under at least the Fourth, Fifth, Sixth, Eleventh, Thirteenth and Fourteenth Amendments of the United States Constitution”, and “violated the common law provisions of the U.S. Constitution”, “denied Plaintiffs their constitutional rights of due process and equal protection of the law” and ask for “recovery for Federal and State law claims arising under the Federal and South Carolina Constitutions.” See Complaint, unnumbered paragraphs 2, 3, 4, 5, 6, 9 and 19. Plaintiff’s allegations are clearly federal questions as contemplated by 28 U.S.C. § 1331.

In addition, the Florence Division is the proper venue inasmuch as the events and controversy took place within the Florence Division in Dillon County, South Carolina.

IV. CONCLUSION

WHEREFORE, pursuant to 28 U.S.C. §§ 1441, 1446 and 1331, Defendants hereby remove this matter from the Court of Common Pleas for Dillon County to the United States District Court for the District of South Carolina, Florence Division.

RESPECTFULLY SUBMITTED,

DuBOSE-ROBINSON, PC

By: s/John K. DuBose, III
JOHN K. DuBOSE, III
Federal ID: 09880
Email: johnd@duboselaw.com
s/H. Thomas Morgan, Jr.
H. THOMAS MORGAN, JR.
Federal ID: 10189
Email: tommy@duboselaw.com

s/Jonathan M. Robinson

JONATHAN M. ROBINSON

Federal ID: 7755

Email: jon@duboselaw.com

s/L. Shawn Sullivan

L. SHAWN SULLIVAN

Federal ID: 10564

Email: shawn@duboselaw.com

ATTORNEYS FOR DEFENDANTS

Dillon County Sheriff's Office, Deputy

Johnnie Mae Smith, Deputy Chaddie Hayes

and Deputy Linda Malmquist

935 Broad Street

Post Office Drawer 39

Camden, South Carolina 29021

(803) 432-1992

July 2, 2014